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SUB-COMMISSION ON PREVENTION OF DISCRIMINATION
AND PROTECTION OF MINORITIES

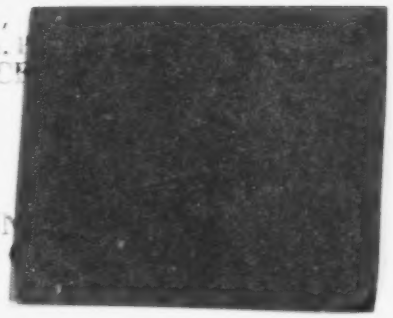
Fifty-ninth session

SUMMARY RECORD OF THE 13th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 13 August 1997, at 3 p.m.

Chairman: Mr. BENGOA

later: Mr. MAXIM
(Vice-Chairman)



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The meeting was called to order at 3.20 p.m.

THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS:

(a) THE INTERNATIONAL ECONOMIC ORDER AND THE PROMOTION OF HUMAN RIGHTS

(b) THE REALIZATION OF THE RIGHT TO DEVELOPMENT

(c) THE QUESTION OF TRANSNATIONAL CORPORATIONS

(d) THE REALIZATION OF THE RIGHT TO EDUCATION, INCLUDING EDUCATION IN HUMAN RIGHTS (agenda item 4) (continued) (E/CN.4/Sub.2/1997/7 and 8; E/CN.4/Sub.2/1997/NGO/1 and 5)

1. Mr. KOTHARI (Habitat International Coalition) denounced the adoption and implementation by many cities around the world of legislation directed against homeless people which impeded realization of the right to adequate housing. Those measures included restriction of access by homeless people to public places, police sweeps to dislodge them from public places and limitations on private attempts to provide them with essential services. Many of those actions also constituted discrimination on grounds of race, religion, gender, disability, family status, national origin or economic status. Those laws also diverted attention from solutions that could enable people to escape homelessness, particularly the provision of adequate, affordable housing and implementation of job training and treatment programmes.

2. For example, according to current estimates, over 700,000 persons per night were sleeping in public places or emergency shelters in the United States. According to a Columbia University study, between 1985 and 1990, 7 million people had been homeless in that country. Families with children made up 35 per cent of the homeless population, of which 27 per cent were children, and minorities were over-represented, with a high percentage of African-Americans. Resources to help homeless people become self-sufficient were sorely lacking. Emergency shelters, which residents must leave during the day, did not have sufficient space to meet the need, and most of the housing and social services for homeless and other destitute people were provided by private, non-profit organizations. Tragically, however, Governments which were unwilling or unable to provide such services were blocking private organizations from doing so, and even Governments which tried to provide them faced opposition from local governments and residents. Local governments were increasingly using criminal laws to address the homeless problem, as demonstrated by an official survey conducted in 1996, and to adopt repressive measures against homeless people. Prohibitions on loitering, littering or jaywalking were being used in a discriminatory manner to sweep homeless people from downtown business or tourist areas or prior to major events, as had been the case, for example, before the Olympic Games in Atlanta.

3. Homeless people and their advocates had challenged the legality of some of those laws and policies under the United States Constitution while some courts had ruled in favour of the homeless people, others had ruled against them. The criminalization of homelessness impeded the realization of those people's fundamental rights such as the right to equal protection before the

law, to non-discrimination in the enjoyment of the rights and freedoms proclaimed in the Universal Declaration of Human Rights and to be free from cruel, inhuman or degrading treatment or punishment.

4. The recommendations for solutions to that situation which had already been made by his organization and presented to the Commission on Human Rights at its fifty-third session (E/CN.4/1997/NGO/46) had received no response from the Government of the United States. For that reason, his organization once again called on the Government of the United States to ensure that legislation which violated the human rights of homeless people was repealed and similar legislation proscribed and that local governments were not permitted to criminalize sleeping and eating in public places, to support homeless people who were challenging such legislation in the courts, to make funding of local governments conditional upon their respect for the human rights of homeless people and to work actively with local governments to find effective solutions to the problem. His organization also called on other countries which had adopted similar measures to repeal all such legislation and asked the Sub-Commission to encourage States to take action to repeal legislation that criminalized activities associated with homelessness and restricted the provision of emergency services to homeless people.

5. Ms. NEURY (Centre Europe-Tiers Monde) said that Centre Europe-Tiers Monde (CETIM) and the Movement Against Racism and for Friendship Among Peoples (MRAP) were concerned at the globalization of the capitalist market economy, which was leading to growing inequalities within societies, and jointly reaffirmed the importance of the promotion and implementation of economic, social and cultural rights.

6. In that regard, CETIM and MRAP drew the Sub-Commission's attention to the question of drinking water and sanitation, since many social and economic activities depended on the supply and quality of fresh water. Although the earth was called the "blue planet", only three per cent of the world's water was fresh. That small percentage was adequate for the needs of 20 billion human beings, yet 1.4 billion people currently had no access to drinking water and nearly 4 billion lacked adequate sanitation. According to the World Health Organization (WHO), 80 per cent of diseases were transmitted by polluted water. It should be borne in mind that, as the international community had repeatedly noted in various ways, access to drinking water was a fundamental human right. Nevertheless, the results of the International Drinking Water Supply and Sanitation Decade had been very disappointing. International conferences organized within the framework of that decade had concluded that, without a draconian reform of drinking-water management, water shortages would affect 3 billion people by the year 2025. A solution to the inequality of water distribution at the geographic and socio-economic levels required, above all, the strong political will of the international community. For that reason, CETIM and MRAP asked the Sub-Commission to adopt a resolution calling for the preparation of a working paper on the question of drinking water and sanitation.

7. Article 2 of the Charter of Economic Rights and Duties of States stipulated that every State had and should freely exercise full permanent sovereignty over all its wealth, natural resources and economic activities, but it was clear that globalization, which was characterized by market

liberalization, deregulation and the privatization of State-owned businesses, robbed States of their national sovereignty. Structural adjustment measures, the policies of the international financial institutions, particularly those aimed at bringing national legislation into conformity with the General Agreement on Tariffs and Trade (GATT) agreements, and the changing face of leadership of the world economy, especially with regard to the increasing power of transnational corporations, were the three major factors which explained that situation.

8. To obtain a better appreciation of the loss of State sovereignty, it was necessary to recall the instruments and measures used by States to deal with foreign direct investment. Until the 1980s, a transnational corporation seeking to establish a subsidiary outside its country of origin was subject to restrictions by the host country such as prior authorization for investment, exchange controls, industrial policies to support local firms, the transfer of technology, environmental protection regulations, ceilings on the repatriation of profits, creation of local jobs and training programmes, restrictions on the employment of expatriates, price controls and national sovereignty over telecommunications and public utilities. Since 1985, however, privatization programmes had been being used to attract foreign direct investment. In some countries of the South, transnational corporations were even invited to participate in privatization through the conversion of foreign debt to ownership of local businesses. The balance of power between host countries and transnational corporations had thus been totally reversed as a result of policies imposed by the World Bank and the International Monetary Fund (IMF), even though their status as United Nations specialized agencies meant that they were duty-bound to encourage the exercise of economic and social rights as stipulated by the Charter of the United Nations. CETIM and MRAP thus requested the Sub-Commission to decide in favour of the establishment of an inter-sessional working group to consider and study the relationships between the enjoyment of economic, social and cultural rights, particularly the right to development, and the methods of work and activities of the transnational corporations.

9. With regard to the final report on the question of the impunity of perpetrators of human rights violations (economic, social and cultural rights) (E/CN.4/Sub.2/1997/8), CETIM and MRAP endorsed the Special Rapporteur's recommendations, particularly those contained in paragraph 142, subparagraph (b), which stated that violations of economic, social and cultural rights could be declared international crimes that were consequently subject to the principles of universal jurisdiction and imprescriptibility. It should be possible to invoke those rights in the courts, which would necessitate inter alia a precise definition of the concepts of a legal asset and of victims and offenders, establishment of criteria for defining violations of economic, social and cultural rights and State promotion of the concept of the indivisibility of human rights. In that regard, CETIM and MRAP once again noted that there was inequality between in the treatment of civil and political rights and that of economic, social and cultural rights in the Sub-Commission's work and requested the establishment of mechanisms to ensure that economic, social and cultural rights were given the serious consideration they required.

10. Mr. ARNOTT (War Resisters' International) said that tourism was the largest and fastest-growing industry in the world, employing more people than any other sector. Over the past few years, tourism had had a greater impact than any industry, with the possible exception of the arms trade, on host populations, particularly in developing countries, with profound implications for both civil and political rights and economic, social and cultural rights. It was therefore surprising that the Commission on Human Rights and its Sub-Commission made virtually no mention of the human rights of tourism in their studies and discussions of the activities of transnational corporations.

11. The tourist industry was dominated by 13 of the largest transnational corporations in the world, including air carriers, tour operators and hotel and restaurant chains, which were frequently part of the same family of companies. Most revenues earned from tourism never left the sending country or were quickly re-exported, and many countries which had hoped that tourism would stimulate their development had been disappointed. The deleterious effects of tourism on the human rights of the populations of host countries were many and closely-linked. For example, forced evictions could not be separated from health problems, environmental degradation, social disintegration and lack of schooling. Forced evictions resulting from the construction of tourist complexes (golf courses, hotels, beaches, marinas, sports complexes, roads and wildlife parks) were a major factor in the denial of the right to adequate food and housing. The land and water of which local populations were being deprived was their primary means of subsistence, and forced eviction was not accompanied by adequate programmes for substitute housing. Furthermore, water, which was in increasingly short supply in many countries of the South, was appropriated by the tourist industry for hotels, swimming pools, golf courses and the construction sector.

12. The tourist industry was also a major violator of the right to a healthy environment. Hotels were a significant source of pollution since they were often located in areas that lacked a basic infrastructure. Many delicate ecosystems were collapsing under the weight of massive numbers of tourists, wetlands were being drained and land was being seriously polluted by the pesticides and fertilizers needed to maintain golf courses. With regard to health, sex tourism was a major factor in the proliferation of human immunodeficiency virus (HIV)/acquired immunodeficiency syndrome (AIDS), and tourism channelled vital health services away from those who most needed them.

13. As an example of social and cultural damage, he mentioned the case of Burma, where, as in many parts of the world, indigenous people were forced to perform seasonal rituals at inappropriate times of the year in order to satisfy the curiosity of tourists. Families were often separated because some of their members whose land had been taken, were obliged to leave their villages in order to service the tourist industry. Tourism was also a major vector of cultural globalization and the transfer of values from North to South, which threatened the cultural identity of the countries affected.

14. The commercial sexual exploitation of children was the one aspect of tourism that had been dealt with as a human rights issue, though much still remained to be done in that area. The treaty bodies, the Commission and the Sub-Commission should encourage Governments to enact and implement appropriate legislation. There were no reliable data on other forms of child labour

associated with tourism, and that gap should be filled by the International Labour Organization (ILO), the United Nations Children's Fund (UNICEF) and other intergovernmental and non-governmental organizations. Tourism was also the cause of a decline in school attendance, since children were removed from school in order to work in the tourist industry, and it encouraged forced labour; for example, in Burma, much of the tourism infrastructure for Visit Myanmar Year in 1996 had been set up in that way.

15. Several organizations had developed guidelines to promote culturally, socially, economically and environmentally sustainable tourism. Unfortunately, those guidelines, which targeted Governments, the tourist industry and the tourists themselves, had not led to any significant decrease in the abuses he had described. The Sub-Commission should therefore address that problem by expressing its concern about human rights violations associated with tourism, asking one of its members to prepare a report on the human rights dimensions of tourism for its fiftieth session, requesting the Commission on Human Rights to invite its thematic and country rapporteurs to include information on the human rights dimensions of tourism in their reports wherever appropriate and deciding to consider, under item 4 of its agenda, a new sub-item entitled "the human rights dimensions of tourism".

16. Mr. Maxim, Vice-Chairman, took the Chair.

17. Mr. ZHONG Shukong congratulated Mr. Guissé on his excellent report (E/CN.4/Sub.2/1997/8), which encouraged consideration of a number of issues and included suggestions that deserved close consideration. He also thanked Mrs. Warzazi, Mr. Park and Mr. Eide for their valuable contributions and fully agreed with Mr. Eide's statement that the United Nations remained the only instrument by which a world where economic, social and cultural rights were fully respected could be achieved.

18. Ms. HAGG (African Bureau of Educational Sciences) said that it was difficult to realize the right to education in many countries, especially those of the third world. Violations of that right resulted in a high proportion of school dropouts and an increased illiteracy rate. The quality of education was being seriously affected by the diminishing numbers and skills of teachers, yet the quality of the education that a person received was a major factor in the income differences between whites and African-Americans and other minorities and the increasing economic disparities between rich and poor in the United States. The top 20 per cent of the country's wealth was in the hands of white industrialists, the per capita income of whites was nearly double that of African-Americans and the unemployment rate of whites was 4.2 per cent whereas that of African-Americans, despite the fact that they were the largest racial minority in the United States, was 11.9 per cent.

19. Violation of the economic rights of poor people of colour in the United States was also evidenced in the implementation of the federal Welfare Reform Act. Thirty-eight per cent of the welfare recipient population were illiterate and most members of that group obtained unskilled and poorly-paid jobs. The effect of that Act was to reduce the federal Government's deficit by denying all public assistance to two million people over the next four years without providing sufficient education or job skill

training. In Mexico, too, according to the International Federation of Human Rights, there were 10 million indigenous people and some 37 million Mexicans living in extreme poverty due to discrimination, economic repression and lack of equal access to education and political representation.

20. Ms. CHAVEZ (African Bureau of Educational Sciences) said that it was also imperative to protect the cultural rights of minorities in order to preserve their history. It was unfortunate that the African Burial Ground discovered in New York in 1991, which dated from the time of slavery, had not been acknowledged or protected as it deserved. Similarly, in the Brazilian State of Para, mining and timber companies were threatening the cultures of the descendants of Africans who had founded slave settlements (quilombos) by encroaching on their lands. Legislation must be adopted to protect the cultural and property rights of that Afro-Brazilian minority. Environmental racism was also undermining the development of communities of colour in the United States. For example, in 1995, the Romic Environmental Technologies Company of California had illegally dumped high levels of cyanide into San Francisco Bay, east of Palo Alto, robbing the African-American and Latino members of that community of their right to health, their right to earn a living and their cultural rights.

21. In conclusion, her organization recommended that the Sub-Commission form an independent monitoring body to assess the degree of protection of the economic, social and cultural rights of people of colour and that the Working Group on the Rights of Minorities, the Working Group on the administration of justice and the question of compensation, the treaty-monitoring bodies, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and intolerance, Mr. Glélé Ahanhanzo, and the Special Rapporteur on the impunity of perpetrators of human rights violations (economic, social and cultural rights), Mr. Guissé, coordinate their efforts to address that issue.

22. Mr. VIDYASEKHAR (International Progress Organization) said that development had many facets: not only material, but also social, cultural, educational and political. Realization of the right to development required greater international cooperation, an absence of all discrimination, preservation of the physical and spiritual heritage of peoples and protection of traditional values, which must not be sacrificed on the altar of economic and technical progress.

23. In Pakistan, the Mohajir, who had shed their blood for the country's independence, were being treated as second-class citizens. Their basic rights, particularly the right to life and to property, were being trampled upon by a backward regime under army control which was pitting Muslim against Muslim and cared nothing for the country's economic and social development. In Jammu and Kashmir, terrorists were destroying schools, hospitals and government buildings and killing teachers, journalists and political leaders who had been elected in October 1996 and were attempting to improve the social and economic situation of Jammu and Kashmir.

24. Development programmes had no chance of success as long as nations continued to be subjected to violence at the hands of armed groups financed by other countries. His organization thus urged the Sub-Commission and the international community to do their utmost to prevent weapons, money or

assistance being provided to those groups, whose activities were hindering the realization of the right to development.

25. Ms. GOVIN (International Service for Human Rights) said that States described the realization of economic, social and cultural rights as Utopian but that respect for those rights was a matter of life and death for millions of people. Under those circumstances, it was essential to establish monitoring mechanisms to ensure respect for those rights.

26. States which invoked the lack of a definition of economic, social and cultural rights and questioned their normative nature would do well to consult the standards and indicators developed by the Sub-Commission and the general comments of the Committee on Economic, Social and Cultural Rights, which clearly defined States' obligations in that regard. The Committee should be given the means to continue its work on standards and indicators and to publish Mr. Eide's report on the right to food.

27. The Commission on Human Rights, for its part, might appoint a special rapporteur on economic, social and cultural rights or special rapporteurs on the rights to food, housing, health and education. Another, more general, option would be to appoint a special rapporteur on extreme poverty, who would be responsible for investigations concerning those four essential rights.

28. Ms. ARIF (World Federation of Democratic Youth) congratulated Mr. El Hadji Guissé on his report on the question of the impunity of perpetrators of human rights violations (economic, social and cultural rights) (E/CN.4/Sub.2/1997/8) and, in particular, on his discussion of the right to adequate food and the right to health of people whose countries were subject to trade embargoes or sanctions.

29. For over six years, Iraq had been subjected to sanctions imposed by the Security Council at the whim of selfish imperialist powers headed by the United States. The Harvard Center for Economic and Social Rights, UNICEF, the Food and Agriculture Organization of the United Nations (FAO) and WHO had exposed the tragic consequences of those sanctions, which had led to the death of over half a million Iraqi children. Despite numerous protests against that policy, the Security Council had recently extended the sanctions under pressure from the United States Government. If the hidden agenda of those sanctions was to overthrow the Iraqi regime or to eliminate weapons of mass destruction in the region, it should be recognized that there were better ways of achieving those goals. In any case, there would be no justification for the terrible suffering inflicted on the Iraqi civilians.

30. There were numerous obstacles to the agreement which allowed oil to be exchanged for food and medicine, and it was evident that the alleged legality of those sanctions, which were in fact a flagrant violation of international law, would soon give way before the international community's protests. The United Nations human rights bodies, particularly the Sub-Commission, should condemn those sanctions and suggest alternative solutions.

31. The Iraqi people were less responsible for their Government's behaviour than some of the nations represented in the Sub-Commission which had sold vast quantities of arms to that Government. She urged the States members of the

Security Council to make peace with the Iraqi people and to pave the way for the establishment of democratic institutions in that country.

32. Ms. NASIR (Franciscans International) said that official development assistance (ODA) contributed to the realization of the right to development. However, her organization considered that the current implementation of ODA in accordance with guidelines adopted by the Organization for Economic Cooperation and Development (OECD) in the Helsinki Package, did not always meet the needs of developing countries. For example, all loans must be provided at similar rates to ensure that all donor countries and their exporters remained on an equal footing. Moreover, a large portion of ODA (40 per cent) was in fact tied aid, a conditional loan whose primary purpose was to broaden the markets of exporters in the donor countries rather than to develop the economies of developing countries. Furthermore, donor countries rarely respected their obligation under the Helsinki Package, which stated that they could not export goods and services for profit under ODA.

33. Only the Netherlands and the Scandinavian countries were following the OECD recommendation that 0.7 per cent of their gross national product (GNP) should be devoted to ODA. Furthermore, ODA was often given on the basis of commercial, political or strategic criteria which were more important for developed countries than meeting the goal of democratization and respect for human rights. Lastly, donor countries rarely granted tied aid to the least developed countries (LDCs), which were often those most in need of it, for fear that those countries would be unable to repay the loans.

34. In conclusion, her organization proposed that the Sub-Commission should undertake a study on the impact and realization of ODA within the framework of the Decade for the Eradication of Poverty.

35. Mr. EL-HAJJE said that the right to development was inseparable from other human rights, particularly the right to education. If development was to be ensured, freedom of enterprise and the right to acquire a personal estate (movable and immovable property) and to hand on that estate to one's heirs, must be guaranteed at the national level. Income must therefore be adequate to permit savings, once basic needs had been met.

36. At the international level, realization of the right to development presupposed strengthened cooperation and trade between developed and developing countries, and, in particular, the least developed, countries. It was important, in that regard, to ensure that globalization of the economy addressed the concerns and needs of the international community and promoted peace, development and prosperity.

37. Mr. GUILLEN (Observer for Peru) said that, while there was no doubt about the competence of the experts appointed by the Secretary-General to participate in the seminar on the practice of forced evictions, held at the United Nations Office at Geneva from 11 to 13 June 1997, it was unfortunate that the Member States had not been involved in the appointment of that group, the composition of which did not fully reflect the principle of equitable geographical representation. Furthermore, the report on that seminar (E/CN.4/Sub.2/1997/7) did not adequately reflect some of the observations made

by the observers for States. For example, his delegation considered that forced resettlement did not necessarily constitute forced eviction, particularly in the case of natural disasters.

38. His delegation was also concerned at the fact that the second preambular paragraph of the guidelines developed by the experts apparently placed treaties and other international instruments ratified by States on the same footing as the general comments of treaty bodies. His Government would continue to meet its obligations under article 11 of the International Covenant on Economic, Social and Cultural Rights, including the right to adequate housing, but it had reservations concerning the relevant Committee's interpretation of that article, which the group of experts had clearly had in mind when preparing the guidelines. Although his Government endorsed the goals in question, it feared that the guidelines might be used in an attempt to impose additional obligations on States. The sole obligations incurred by Peru were those contained in the international treaties and instruments to which it was a party.

39. Mr. AL-KAISSI (Observer for Iraq) said that developing countries faced many problems in adapting to economic globalization and liberalization and that the gap between North and South had widened since the end of the cold war. To remedy that situation, developing countries must be more closely involved in decision-making on matters relating to the world economy as part of an active dialogue on all aspects of development. Furthermore, with regard to the economic blockades imposed on some developing countries, it must be recalled once again that the right to development was inseparable from the other fundamental rights and that it was, in a sense, an extension of the right of peoples to sovereignty over their natural resources. Unfortunately, it was clear that the new international economic order was also an obstacle to the right to development since it imposed unfair terms of trade on the developing countries, which had also to bear the burden of an enormous foreign debt.

40. Economic sanctions such as those imposed on Iraq tended to become an end in themselves rather than a mere means, as called for in the Charter of the United Nations. The disturbing nature of the humanitarian situation in Iraq had been emphasized on many occasions, including by the Sub-Commission in its decision 1996/107, in 1995 by the Secretary-General in his Agenda for Peace and by WHO, UNICEF and FAO. The Under-Secretary-General for Humanitarian Affairs, Mr. Akashi, after his visit to Iraq in May 1997, had also reported the suffering imposed on the Iraqi people. Security Council resolution 986 (1995), known as "Oil for food", had had only a limited effect in practice, and the imports of agricultural and industrial products authorized under that resolution met only a small percentage of the country's needs.

41. His delegation again emphasized therefore that mechanisms to ensure realization of the right to development must be considered within the framework of the intergovernmental group of experts with a mandate to elaborate a strategy for the implementation and promotion of the right to development and that particular attention should be given to the question of economic sanctions, their negative consequences and their practical effectiveness and to that of obstacles to the realization of economic rights

by developing countries. Lastly, the international community should ensure that the weapons of famine and genocide were no longer used against Iraq.

42. Mr. SANDOVAL BERNAL (Observer for Colombia) said that, while the cold war which had marginalized the least developed countries for decades was over, the gap between North and South was widening dramatically. While the market system was taking over the entire planet, poverty, famine, internal conflicts and the arms race continued. Those were the difficult circumstances under which human rights and, in particular, the universal and inalienable right to development, had to be realized. To that end, it must be recognized that human beings had spiritual as well as material needs and that economic growth must lead to social well-being.

43. The developing countries were currently being compelled to adapt to an imposed model for the world economy which failed to take irto account their political and social problems and tended to legitimize a duty of interference which violated the principle of the self-determination of peoples. Moreover, material progress and participation in all forms of development remained the prerogative of a minority. Realization of the right to development would require, on the one hand, a commitment by States to strengthen democracy, fight poverty and corruption and ensure education for their peoples and, on the other, a commitment by the international community to ensure equitable trade relations, promote technology transfer and cooperation, coordinate macroeconomic policies and strengthen environmental protection as a means to sustainable development. In that regard, access to new technologies, scientific progress, cultural development and the use of resources made available by disarmament for development purposes were priorities. However, international cooperation in that regard must not be paternalistic or undermine national sovereignty. The commitment by developed countries to devote 0.7 per cent of their GNP to cooperation for development should be fulfilled without delay.

44. In conclusion, he emphasized that the realization of the right to development was a priority, not only for developing countries, but also for the international community as a whole in the interests of peace and world security.

45. Mr. NAZARIAN (Observer for Armenia) said that contemporary political, economic and technical developments made possible new types of multilateral relationships in which the United Nations and other international and intergovernmental organizations had a role to play.

46. The former colonial and non-self-governing countries and territories had, unfortunately, been very poorly prepared for that technology- and efficiency-based model of industrial production. For example, the Soviet Union had not given its former republics, such as Armenia, adequate means to sustain a role in international competition. Furthermore, the national borders imposed on those countries by colonial powers, without any regard for the possible long-term political consequences, had proved arbitrary. For example, Nagorny Karabakh, from time immemorial a province of Armenia, was currently being claimed by the newly founded Republic of Azerbaijan.

47. In a world whose priorities were economic well-being, stable growth, research and development for peaceful purposes and access to natural resources, some States with economic resources were creating obstacles to their own development and that of other nations and were jeopardizing the security and stability of an entire region by engaging in ethnic and multilateral conflicts. For example, in recent years, Armenia had suffered from a blockade imposed by Turkey and Azerbaijan which prevented the passage of humanitarian aid and caused hardship to the Armenian people, even though national and international human rights bodies had clearly stated that respect for human rights was essential to peace, security, prosperity and social equity. The blockade imposed on Armenia and Nagorny Karabakh should no longer be tolerated by the international community, which must endeavour to stop gross violations of human rights in Nagorny Karabakh and to restore economic rights, particularly the right to development, in Armenia and the entire Transcaucasian region. His Government also urged the Republic of Azerbaijan to focus on the realization of human rights within the framework of regional economic cooperation and integration.

48. The CHAIRMAN invited delegations wishing to make a declaration equivalent to the right of reply to do so.

49. Mr. LEMINE OULD DAHI (Observer for Mauritania) said that the representative of the African Commission of Health and Human Rights Promoters had, as in the past, made allegations concerning human rights violations in Mauritania. In the first place, the representative of that organization, some aspects of whose statement had been irrelevant to the item, should be called to order. Secondly, it was difficult to see what credibility should be given to someone who had left his country, Guinea, in the 1970s, supposedly in order to escape the Sékou Touré regime, and who was still living in Europe although Sékou Touré had died in 1984. In most African countries, dissidents could remain in the country while promoting their beliefs, but there were eternal exiles who preferred to deny that there had been any progress on the African Continent and attempted to sway international opinion in order to justify their role and gain personal advantage.

50. Everyone knew that Mauritania had undertaken a vast programme of economic and social development which had won praise from the international community and from NGOs. He defied the representative of the organization in question to give specific quotes from the experts and international organizations, supposedly working in Mauritania, on whose opinion his allegations were based. Contrary to what that speaker asserted, no section of the Mauritanian population was being excluded from the development projects currently under way in the country. The state of emergency had been lifted in 1991 and, since then, the rule of law had been respected in Mauritania. There were plans for the holding of pluralist presidential elections which would be open to monitoring by impartial observers. Mauritania was engaged in a difficult struggle, as the many NGOs that had participated in the meeting of the African Commission on Human and Peoples' Rights recently held at Nouakchott could testify. Lastly, if the representative of the organization in question still held a Guinean passport, he could visit Mauritania without a visa at any time.

51. Mr. MOUSSAEV (Observer for Azerbaijan) said that the Armenian Government was resorting to all kinds of tricks in order to conceal from the world community its aggressive intentions towards Azerbaijan and the crimes against humanity perpetrated by its armed forces, which were occupying 20 per cent of the territory of his country. There was no doubt that the aggressive policy of Armenia was the primary obstacle to the development, not only of that country itself, but of the region as a whole. Armenia could solve those problems by unconditionally and immediately implementing the relevant resolutions of the United Nations Security Council, the Organization for Security and Cooperation in Europe (OSCE) and other international organizations, by withdrawing its armed forces from all occupied Azerbaijani territory and respecting the sovereignty and territorial integrity of Azerbaijan and its neighbouring States.

52. Mr. NAZARIAN (Observer for Armenia) said that the so-called Armenian aggression was in reality a well-known conflict involving the regular armed forces of Azerbaijan in Nagorny Karabakh, a situation for which Armenia was not responsible. Azerbaijan would do better to negotiate rather than argue its position before international bodies such as the Sub-Commission.

53. Mr. Bengoa resumed the Chair.

THE IMPLEMENTATION OF THE HUMAN RIGHTS OF WOMEN:

(a) TRADITIONAL PRACTICES AFFECTING THE HEALTH OF WOMEN AND CHILDREN;

(b) THE ROLE AND EQUAL PROTECTION OF WOMEN IN DEVELOPMENT (agenda item 5) (E/CN.4/Sub.2/1997/10 and Add.1; E/CN.4/Sub.2/1997/NGO/6)

54. Mrs. WARZAZI, introducing her report on traditional practices affecting the health of women and children (E/CN.4/Sub.2/1997/10 and Add.1), said it was unfortunate that most of the States concerned, with the notable exception of Burkina Faso, had remained silent on the issue. That attitude was all the more unfortunate because the persistence of harmful practices was encouraged by the passivity of Governments, despite the fact that the latter's attention was drawn, year after year, to the damage which those practices caused to girls and women and, ultimately, to society as a whole. In order to compensate for government silence, she had gathered information from articles, studies and statements. For example, after submitting her report to the Secretariat, she had learned of a particularly painful practice to which women of the Karen tribe in northern Thailand were subjected and of which she wanted to inform the Sub-Commission. That practice consisted of forcing little girls five years and older to wear a 10-pound brass neck ring and adding additional rings as they grew, up to a total of 25, in order to lengthen their necks. Those neck rings caused indescribable suffering by lowering the neck muscles, squeezing the ribs and compressing the lungs to the point where those women were subject to respiratory infections and could hardly talk. The practice was also a powerful weapon in the hands of men who controlled women by threatening to remove their neck rings, which would cause their certain death.

55. Her report was both an optimistic and a pessimistic one. She noted with satisfaction the efforts made by certain Governments to combat harmful traditional practices and emphasized that it was difficult to convince

traditional societies, and the victims themselves, to put an end to those practices without attacking their cultural and personal identity. She was disturbed at certain of the United States Government's measures to combat female genital mutilation, which, while well-intentioned, were counterproductive. Orders had been issued to withhold all aid from States in which that practice existed. It must be remembered, however, that since it was not Governments, but peoples themselves, often in ignorance, which practiced genital mutilation, only education, information and training, together with firm government support, would help to eliminate such practices. If that strategy was to succeed, adequate funds must be made available to local communities. Denying provisions to Governments already facing serious financial problems was certainly not the right solution. The situation called for consciousness-raising, convincing and even blaming, but not for coercive measures which would have only negative effects on the consciousness-raising and mobilization campaigns which targeted the people in question. She hoped, therefore, that the Government of the United States would reconsider its decision.

56. She also welcomed the activities of WHO, UNICEF and the United Nations Population Fund (UNFPA), which were in full conformity with the Plan of Action adopted by the Sub-Commission. She noted that UNESCO, which was carrying out specific awareness programmes for girls and women, had promised to transmit information concerning the impact of school-related and non-school-related teaching on the elimination of harmful traditional practices. The fact that NGOs had taken an interest in the problem also encouraged the adoption of decisions and firm policies on the question, particularly as a result of fruitful round tables, meetings or debates. Lastly, she emphasized the usefulness of the awareness campaigns carried out by the international press and the audio-visual media.

57. Nevertheless, the situation of girls and women worldwide remained very disturbing. In developing countries, millions of them still had no access to health care. Traditional practices associated with childbirth had disastrous consequences for those women, and the entire process took place in total secrecy. An estimated 15 million women per year suffered permanent damage for want of obstetric care. In the developing world, a total of 300 million women, one fourth of the adult female population, were reportedly affected by those problems. However, very few Governments informed the Special Rapporteur of measures taken in that area. The conspiracy of silence and government negligence, if not total lack of interest in the fate of women, perpetuated maternal mortality and morbidity, which, by their widespread nature and seriousness, were a genuine hidden tragedy. One serious consequence of childbirth without medical assistance was fistulas, which, if not treated, left women incontinent and soon led to an exclusion so total that some women preferred suicide to such a life. Furthermore, 14 million childbearing women per year suffered haemorrhages which left them anaemic. It was impossible to remain indifferent to those situations when medical techniques were constantly improving. Governments should simply provide women, particularly in rural areas, with the minimum level of health care necessary to guarantee safe childbirth without after-effects. She therefore welcomed the decision by the Commission on the Status of Women to study certain traditional practices affecting the health of women and children in 1998 and 1999.

58. In some African countries, girls were the victims of gross, massive violations of human rights that were committed with impunity. For example, in Sierra Leone, the former President of the Republic had officially justified excision by referring to the Constitution. In Gambia, some pressure groups seemed to be challenging the position of the Head of State, who had declared his opposition to female genital mutilation. In Ghana, thousands of girls, victims of a traditional practice known as "trocosi", those delivered into the "slavery of God", were surrendered by their parents to religious chiefs or witch doctors as penance for sins committed by a family member. Moreover, although the former Mayor of New York, Mr. Koch, had shown little concern for the tragedy of thousands of unwed mothers under 15 years of age in Harlem, he had asked the Secretary-General to intervene in order to persuade his Government to put an end to that heinous practice. It appeared that the Government of Ghana had taken steps after that intervention.

59. Those were not isolated examples. The silence of numerous Governments should inspire the international community to greater rather than lesser vigilance. In that regard, she noted that, in June 1997, the relentlessness of certain Islamist extremist groups in Egypt had led a high administrative court to repeal a Ministry of Health decree forbidding medical professionals to practise excision. When questioned on that issue, Sheikh Tantaoui - the country's second most important religious leader - had merely stated that the practice was not advocated by Islam and that it was up to doctors to decide whether or not the operation was necessary. That disappointing position had seriously weakened the Egyptian Government's efforts to eliminate the practice and had encouraged reactionaries whose only purpose was to ensure that women continued to bear the yoke of obscurantism and slavery. For example, the Islamist extremists were currently attacking education and had initiated legal proceedings against the Minister of Higher Education to compel him to remove the paragraphs which had, for the first time, been included in textbooks and which stated that female circumcision was a harmful practice.

60. In view of the threats to the progress that had been made in the fight against excision, it would be helpful for the international community to give its unswerving support to the Egyptian and Gambian Governments and to NGOs working in affected countries such as Sierre Leone. The Sub-Commission should adopt a resolution to that effect. She emphasized the need to provide material, financial and moral assistance to Governments and NGOs, which must be well armed if they were to succeed in eliminating traditional practices harmful to the physical and moral well-being of women and girls and in restoring their dignity and their rights.

61. Miss ATTAH, speaking on agenda item 3, said she fully supported the decision of the Commission on Human Rights and the Economic and Social Council to convene a world conference on racism and racial discrimination, xenophobia and related intolerance by the year 2002, which would enable the world community to make practical suggestions for tackling the menace of racism that was becoming increasingly widespread throughout the world.

62. As a contribution to the discussion on the promotion of the rights of women, she then described activities in her own country. For the first time, Nigerian women had been invited, within the framework of a high-level conference, to make suggestions for Vision 2010, the golden jubilee

commemorating the fiftieth anniversary of the country's independence. That partnership augured well for the future. In Nigeria, as in other countries, women had taken action to give effect to the Beijing Platform for Action, one purpose of which had been to encourage the socio-economic and political empowerment of women as a fundamental requirement for economic progress, stability and social harmony. Twelve rotating workshops had been organized in order to sensitize women to their rights and responsibilities.

63. She summarized the primary conclusions that had resulted from the discussions in her country. Education was the key to the development of the individual and society and a means of combating illiteracy and its attendant consequences, child marriage and unemployment. It could also prepare women for political office, from which they had been barred for too long. There had been a consensus on the importance of the economy and of poverty. Women wanted access to financial institutions in order to raise their families' standard of living and emerge from abject poverty and had therefore welcomed the new initiative taken by the first lady of Nigeria, who had established a programme for the rural and urban poor which would help not only men but, especially, women, who accounted for 70 per cent of the agricultural labour force, to obtain loans for the purchase of machines. Women realized that their economic advancement would also serve their political ambitions since politics had become an expensive enterprise. They received poorer health care than the rest of the population and hoped to remedy that situation through increased primary health care and the training of more women doctors. The importance of counselling young people on health-related issues, drugs and dangerous substances had also been stressed, and a workshop had been devoted to AIDS awareness.

64. She recognized Mrs. Warzazi's enormous contribution to identification of the problem of female genital mutilation and said that women in Nigeria had proposed that that practice, which they considered dehumanizing and outdated, should be criminalized. Although the practice was not very widespread in the country, studies aimed at further limiting it were under way and would make it possible to develop strategies for its gradual elimination, since it was extremely difficult to do away with traditional practices. Other dehumanizing customs, particularly those related to widowhood, inheritance and dowries, were also being studied. All traditions incompatible with the Nigerian Constitution would be eliminated with assistance from the Association of Women Judges and Lawyers and in cooperation with the Ministry of Justice. In that regard, she had been surprised to read in paragraph 15 of Mrs. Warzazi's report that "trocosi" or "slavery of God" was practised in Nigeria, a statement which deserved further investigation.

65. In conclusion, she said that, although women, who occupied only one per cent of decision-making posts, had not yet established themselves on the political scene, time was on their side. She hoped that the Nigerian Government would address the question of affirmative action for women before the next elections, to be held in December 1997.

66. Mr. PARK, having paid tribute to the remarkable work of Mrs. Warzazi in preparing her report on traditional practices affecting the health of women and children (E/CN.4/Sub.2/1997/10 and Add.1), said he shared her regret at the small number of replies received from Governments, particularly those

directly concerned. The report deserved commendation both for describing the plight of the victims of degrading treatment and for illustrating ways of putting an end to those deplorable practices. He highlighted some of the main points made in the report.

67. In the first place, primary responsibility for those practices lay not just with States and Governments, but with societies which were unwilling to dissociate themselves from traditions which deprived women and girls of their dignity. Strategies should therefore target the societies in question, on the assumption that Governments were ready to assume their responsibilities for suppressing the practices in question.

68. He emphasized the importance of education since, as stated in the report, many victims were unaware of the risks of female genital mutilation. He also concurred with the Special Rapporteur on the importance of education.

69. He agreed with Mrs. Warzazi that there must be an immediate end to public dissemination of scientific methods for predetermining the sex of a foetus. The use of prenatal tests for the purpose of selective abortion was contrary to the divinely established order and could lead to the extinction of the human race.

70. Lastly, he considered that clear guidelines for Governments concerning the adoption and implementation of regulations designed to suppress degrading traditional practices should be established. He agreed with the Special Rapporteur that persecution was far less effective than persuasion in that regard. If the persons involved in that dark trade were to be deterred, they must be provided with alternative jobs. Concerted international activity was recommended in that regard.

71. In conclusion, he sincerely believed that the Special Rapporteur's work was playing an important part in eradicating traditional practices that deprived women of their fundamental rights.

72. Mr. ZAHRAN (Observer for Egypt) said he much admired the work of the Special Rapporteur. He wished, however, to offer some clarification of statements made in the report concerning the practice of excision in his own country. That custom had no basis in Islam, which, as Sheikh Tantaoui had said, protected the rights of men, women and children. It was true that doctors could decide to perform the operation, but only if the health of the woman or girl depended on it. The practice was therefore authorized in exceptional cases but was prohibited as a general rule. His Government wished to explain that the decree issued by the Minister of Health remained in force since the High Court decision to repeal it had been appealed. The Government, for its part, was continuing its implementation of the initial decree while awaiting a final court decision on the matter.

The meeting rose at 6.10 p.m.